
Animal rights – a philosophical inquiry

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Review of: Dorota Probuscka (2013). *Filozoficzne podstawy idei praw zwierząt* [Philosophical foundations of the animal rights concept], pp. 352, Cracow: Universitas

When discussing the issue of animal rights, a burdening lack of comprehensive textbooks becomes quickly visible. A comprehensive introduction to both the historical development of different conceptions of animal rights, as well as their philosophical and ethical backgrounds would be a highly valuable addition to the persisting discussion. That is the reason why the book by Dorota Probuscka, entitled *Philosophical foundations of the animal rights concept*, deserves particular attention of both students and researchers, who place their interest in discussing animal rights.

In her monographic work, Dorota Probuscka introduces in the first chapter the notion of animal rights through a historical analysis of the development of the discussed issue, emphasizing the link between the anti-positivist stand in modern philosophy of law and the notion of animal rights. As the authoress points out: “Basic rights theory is one of the modern, anti-positivist schools of philosophy of law, which is widely evoked by the proponents of animal rights” (Probuscka 2013, 40). As it is pointed out, the sympathy, expressed by the supporters of animal rights towards the basic rights theory, is due to the affirmation of existence of certain, basic, rights, which may be both human, as well as non-human. Thus, such an empowering and expanding notion grants the possibility to talk not only of animal rights as a human obligation towards non-human animals, but as an elementary aspect of a wider theory of justice.

Discussing animal rights as a feature of the basic rights theory presents, however, certain limitations. Probuscka asserts that the notion of basic rights had been fruitfully employed by different social movements, focused on eradicating legal and social inequalities, i.e. the suffragist movement, children rights movement, African-American Civil Rights Movement, and others. As Dorota Probuscka points out: “What would be common for all these ideological struggles? Their first step should be to change the social perception of the issue” (Probuscka 2013, 47). Still, these changes do not happen overnight; as shown by all of the aforementioned social

movements, their struggle proved to be prolonged and – often – susceptible to uncompassionate rhetoric of the status quo. Thus, the issue of animal rights, despite a vast philosophical and intellectual support, is still to be perceived as far from achieved.

While discussing the general issues concerning the concept of animal rights, Probuscka reconstructs – following certain proponents of animal rights – some analogies between human and non-human rights. One of the mentioned authors – Tom Regan – suggests that: “Both in case of humans, as well as non-human animals, basic rights should act as an analogy to a no-entry sign in traffic regulations” (Probuscka 2013, 53). Probuscka supports such claims, as she points to certain analogies between the historical development of human rights and the modern reasons for animal rights. Those analogies include i.e. confirming that both notions are „established on an indispensable link between ethics and lawmaking” (Probuscka 2013, 58), as well as on assuming the teleological nature of both human and nonhuman animals. These analogies may be understood – as the authoress suggests, following some proponents of animal rights – as a proof that the notion of animal rights is the conclusive step in the historical development of basic rights inclusion of all those, who: “Fall under the category of weak and powerless” (Probuscka 2013, 63). This view, supported by Probuscka, is not as evident as it may seem. The development of human rights – from the first to the third generation – is questioned by several philosophers and researchers, who suggest that the second and third generation of human rights constitute legal duties that promote an ever-growing impact of central, governmental factors rather than basic rights (see: Rahe 2010). The notion of an expanding role of political institutions is contradictory to what basic rights theories (including animal rights theory) assume is their pivotal point. The concept of rights is concentrated – as explained by Probuscka – in: “Recognizing the primacy of the individual over the interests of the majority and upholding the integrity of its moral status” (Probuscka 2013, 61). In consequence, the basic rights theory – as well as animal rights proponents – assumes a protective role towards the individual in his or her relations with other individuals, as well as the government. Thus, it would be a logical and practical inconsistency to affirm the expanding the role of political and governmental institutions towards the individual in order to protect him or her from possible abuse of power. This issue remains undiscussed by Probuscka, who rather assumes that it is possible to perceive the animal rights movement as an expansion to the solidarity with those in need.

A valuable addition to the issue discussed above may be found in the concluding part of the first chapter, which discusses the important difference between animal rights and animal welfare. As Probuscka points out, the difference lies in the definition what is the main injustice, that non-human animals may suffer from humans. Jeremy Bentham and Peter Singer – who are

evoked by Probuscka as the most influential thinkers of the animal welfare movement – perceive suffering as the “fundamental evil” (Probuscka 2013, 73). In consequence, protecting non-human animals from unnecessary pain and suffering would be the main goal of the animal welfare movement, achievable through modification of the current legal system. In opposition to the animal welfare proponents, the animal rights movement aims at wider and deeper change of both law and social mentality. Such philosophers as Tom Regan, Gary Francione, and others, describe their position as “radical-abolitionist and compare their action towards liberating animals to the historical movement against slavery” (Probuscka 2013, 71). The notion of animal slavery is widely discussed, suggesting that not only legal, but also moral changes are required in order to eliminate injustice. Probuscka assumes the latter perspective, widely discussing possible critiques of ethical conceptions of both aforementioned utilitarian thinkers. The consequentialist orientation of both Bentham and Singer does not notice – as Probuscka points out – the inherent value of any individual, be it human or non-human. In consequence, the utilitarian perspective leaves open the possibility to inflict pain or cause death to an individual, if his or her pain would be beneficial to the remaining majority. Furthermore, utilitarianism does not provide an unanimous view on such animals rights issues as, i.e. veganism. As emphasized by Probuscka:

According to Singer, the consequences of abandoning the consumption of meat would be globally better than humanity persisting on a carnivorous diet. On the other hand, utilitarian thinker and opponent of vegetarianism, R. G. Frey, assumes that such a change would not be beneficial to the majority and thus would not be recommended (Probuscka 2013, 77).

In conclusion, Probuscka dismisses the notion of animal welfare in favor of the more radical notion of animal rights.

The pivotal and most important part of the book is aimed at reconstructing and analyzing different modern concepts and theories of animal rights. In her analysis, Probuscka refers to a multitude of different authors, including Tom Regan, Gary L. Francione, Bernard E. Rollin, Mark Rowlands, David DeGrazia, Steve Sapontzis, and others. What is clearly the goal of the second chapter, is to introduce different philosophical, legal and ethical approaches towards the notion of animal rights. The presented analysis prove what is the major value of the book – its comprehensiveness, while remaining thorough. While discussing each of the mentioned conceptions of animal rights, Probuscka does not only resume its main assumptions, but also offers a profound insight on the justifications given in favor of different concepts and ideas, as well as attempts to discover its general philosophical alignment. The almost-encyclopedic effort proves that the work of Dorota Probuscka does not only verbalize an interesting and inspiring concept on

animal rights, developed by Probuscka, but also proves to be a balanced and unbiased textbook on modern conceptions of animal rights in general.

The third chapter offers a brief discussion with possible critiques and allegations against the notion of animal rights. Probuscka reconstructs the counterarguments used by Peter Carruthers, Carl Cohen, Raymond Frey, Roger Scruton, and others, and tries to reveal their principal points. It is visible, however, that the analysis presented in the last chapter lack some profundity: Probuscka concentrates rather on discovering fallibilities in reasoning of each mentioned author, neglecting a more favorable insight in the philosophical background of each of the ideas. What is the strong point of the middle part of the book: a balanced and thorough analysis, seems to be less present in the final chapter, although the general quality of the analysis conducted by Probuscka remains of highest approval.

An interesting addition to the analysis, presented in the book, is the appendix, consisting of several important legal and philosophical documents in favor of animal rights, i.e. UNESCO Universal Declaration of Animal Rights, Cambridge Declaration on Consciousness, and other. the presence of aforementioned documents deepens the general value of the book and proves that the discussed issue is not purely theoretical.

In conclusion, it is worth emphasizing that Philosophical foundations of the animal rights concept by Dorota Probuscka has two aims: one would be to present an interesting voice, added into the discussion on animal rights, second to offer a comprehensive guidebook on different concepts of animal rights. It should be noted that the authoress achieves a positive result in both appointed tasks. Comprehensiveness and thoroughness, accompanied with passionate narrative, prove that Dorota Probuscka elaborated a difficult and vast theme in an impartial and profound manner. Thus, it is possible to say that the book by Dorota Probuscka will remain an exemplary study in animal rights in the Polish philosophical literature.

References

- Probuscka, D. 2013. *Filozoficzne podstawy idei praw zwierząt*. Cracow: Universitas.
- Rahe, P.A. 2010. *Soft Despotism, Democracy's Drift: Montesquieu, Rousseau, Tocqueville, and the Modern Prospect*. New Haven: Yale University Press.

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